

EXHIBIT 8

<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF VIRGINIA</p> <p>3 Richmond Division</p> <p>4 -----x</p> <p>5 ePLUS, iNC.,)</p> <p>6 Plaintiff,)</p> <p>7 v.) Civil Action No.</p> <p>8 LAWSON SOFTWARE, INC.,) 3:09-cv-620(REP)</p> <p>9 Defendant.)</p> <p>10 -----x</p> <p>11</p> <p>12 VIDEOTAPED DEPOSITION OF</p> <p>13 MICHAEL IAN SHAMOS, Ph.D., J.D.</p> <p>14 Washington, DC</p> <p>15 Wednesday, June 16, 2010</p> <p>16 10:06 a.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Job No.: 1-181012</p> <p>21 Pages 1 - 252</p> <p>22 Reported By: Joan V. Cain</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFF:</p> <p>4 JENNIFER A. ALBERT, ESQUIRE</p> <p>5 SCOTT L. ROBERTSON, ESQUIRE</p> <p>6 GOODWIN PROCTER, LLP</p> <p>7 901 New York Avenue, Northwest</p> <p>8 Washington, DC 20001</p> <p>9 Telephone: (202) 346-4000</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANT:</p> <p>12 KIRSTIN L. STOLL-DEBELL, ESQUIRE</p> <p>13 MERCHANT & GOULD</p> <p>14 Suite 1950</p> <p>15 1050 Seventeenth Street</p> <p>16 Denver, Colorado 80265</p> <p>17 Telephone: (303) 357-1670</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 Akim Graham, Videographer</p> <p>21</p> <p>22</p>
<p>1 Videotaped Deposition of MICHAEL IAN SHAMOS,</p> <p>2 Ph.D., J.D., held at the law offices of:</p> <p>3</p> <p>4 GOODWIN PROCTER, LLP</p> <p>5 901 New York Avenue, Northwest</p> <p>6 Washington, DC 20001</p> <p>7 (202) 346-4000</p> <p>8</p> <p>9 Pursuant to Notice, before Joan V. Cain,</p> <p>10 Court Reporter and Notary Public in and for the</p> <p>11 District of Columbia.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 C O N T E N T S</p> <p>2</p> <p>3 EXAMINATION OF MICHAEL IAN SHAMOS, Ph.D., J.D. PAGE</p> <p>4 By Ms. Albert 7</p> <p>5 By Ms. Stoll-DeBell 245</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 (Attached to the Transcript.)</p> <p>9 SHAMOS DEPOSITION EXHIBITS PAGE</p> <p>10 Exh. 1 Rebuttal Report of Expert Michael I. 24</p> <p>11 Shamos, Ph.D., J.D. Concerning</p> <p>12 Non-Infringement</p> <p>13 Exh. 2 Report of Expert Michael I. Shamos, 32</p> <p>14 Ph.D., J.D. Concerning Invalidity</p> <p>15 Exh. 3 Document Entitled Chapter 20: 65</p> <p>16 Application Changes, bearing Bates</p> <p>17 Nos. L 0373955 through '4057</p> <p>18 Exh. 4 Document Entitled 8.0.3 Inventory 73</p> <p>19 Control Release Notes bearing Bates</p> <p>20 Nos. L 0030416 through '420</p> <p>21</p> <p>22</p>

<p style="text-align: right;">141</p> <p>1 Q Why were you asked to include -- or why did</p> <p>2 you feel necessary to include paragraph 263 in your</p> <p>3 rebuttal report?</p> <p>4 A Because it was alleged by Dr. Weaver that</p> <p>5 Lawson is guilty of indirect infringement, both</p> <p>6 inducement and contributory infringement, which</p> <p>7 require that there be -- well, inducement of</p> <p>8 infringement requires knowledge or -- that the party</p> <p>9 knew or should have known that its actions would</p> <p>10 induce actual infringement, and if it has a good</p> <p>11 faith basis for believing that -- that its actions</p> <p>12 wouldn't induce act- -- actual infringement, then</p> <p>13 it's not guilty as -- as an inducer of infringement.</p> <p>14 Q What's the test for whether or not Lawson</p> <p>15 has an objective good faith basis to believe that</p> <p>16 its software does not infringe?</p> <p>17 A Okay. Well, good faith means that the</p> <p>18 arguments have to be made in good faith and that</p> <p>19 they're not merely technical or philosophical.</p> <p>20 Objective means that it's not the subjective</p> <p>21 personal impression of Lawson that governs but</p> <p>22 whether a similarly situated outside person would</p>	<p style="text-align: right;">143</p> <p>1 reference is prior art as to the Patent."</p> <p>2 Which of the references that you've relied</p> <p>3 upon for your opinions does not predate the filing</p> <p>4 date of the patent but is a reference as to which</p> <p>5 you've been informed by counsel that defendants</p> <p>6 intend to prove at trial that the reference is prior</p> <p>7 art?</p> <p>8 MS. STOLL-DEBELL: Objection, form.</p> <p>9 THE WITNESS: Yeah, I'm not sure. I mean</p> <p>10 I -- so for -- for the patent prior art it's clear.</p> <p>11 I don't have to rely on -- on counsel for that.</p> <p>12 Normally when I see a document, I can't tell from</p> <p>13 the face of the document when it was created, what</p> <p>14 the earliest possible date it was created, whether</p> <p>15 any date on it is an accurate date, and so I refrain</p> <p>16 from offering such opinions because other witnesses</p> <p>17 are going to prove -- are going to prove that up at</p> <p>18 trial. I rely on counsel telling me put this</p> <p>19 reference in your report because we're going to</p> <p>20 prove that it's prior art.</p> <p>21 I've not made any independent determination</p> <p>22 for things other than -- I believe for things other</p>
<p style="text-align: right;">142</p> <p>1 come to the same conclusion based on the same facts.</p> <p>2 So it's -- it's not an individual personal</p> <p>3 subjective test. You can't come into court and say,</p> <p>4 well, I -- I had a good faith belief that I wasn't</p> <p>5 infringing; whereas, the whole rest of the world</p> <p>6 would think that you didn't. That's -- it's not</p> <p>7 subjective; it's objective.</p> <p>8 Q And that -- that's -- your applying legal</p> <p>9 precedent when you set forth your opinion of what</p> <p>10 good faith means, an objectively reasonable basis,</p> <p>11 correct?</p> <p>12 A Yeah. I'm applying my understanding of</p> <p>13 that, yes.</p> <p>14 Q Okay. I want to turn now to the opinions</p> <p>15 in your initial report, Exhibit 2. Can you refer to</p> <p>16 paragraph 11 on page 2.</p> <p>17 A Yes.</p> <p>18 Q And there you state, "In this report, where</p> <p>19 I have cited a reference as prior art, either the</p> <p>20 reference predates the filing date of the Patent or</p> <p>21 I have been informed by counsel for Defendants that</p> <p>22 Defendants intend to prove at trial that the</p>	<p style="text-align: right;">144</p> <p>1 than the patent references. Now, there may be</p> <p>2 something else in there, for example Lawson's prior</p> <p>3 art system. Clearly it was before because it's been</p> <p>4 conceded by ePlus that those -- those systems were</p> <p>5 in existence prior to -- prior to the patents, but I</p> <p>6 have to -- I just -- now when we go through the list</p> <p>7 of all the --</p> <p>8 BY MS. ALBERT:</p> <p>9 Q I don't know if I agree with that statement</p> <p>10 but --</p> <p>11 A Well, I'll -- I'll -- well, surely ePlus</p> <p>12 has to agree that the prior art systems are</p> <p>13 noninfringing; otherwise, it would have a serious</p> <p>14 invalidity problem. But as we go through the</p> <p>15 others, I'll tell you, you know, whether I've been</p> <p>16 able to determine from the reference itself whether</p> <p>17 or not it has a sufficiently early date.</p> <p>18 Q Okay. Let's see. Can you turn to</p> <p>19 paragraph 16, subsection R at page 5?</p> <p>20 A Yes.</p> <p>21 Q And there you state that, "A claim in</p> <p>22 means-plus-function form for which the only</p>